

Weekly Report

Week of April 12-16: Day 34-36

In the Chamber...

The Senate and House reached agreement on several key measures that will allow negotiations on the state budget to move forward. A bill to update hundreds of outdated state user fees was combined with a measure to fill an overwhelming gap in Georgia's Medicaid budget, coupled with the elimination of Georgia's retirement income and property taxes. Revisions in user fees will prevent lawmakers from having to cut an additional \$100 million from the state budget, and shoring up the state's Medicaid gap is also crucial to balancing the budget.

The Senate voted 44-9 to pass the original version of House Bill 1055 that establishes a consistent basis for the state to set and revise user fees, some of which have not been updated since the 1960's. Later that afternoon, the bill's Senate sponsor Sen. Greg Goggans (R-Douglas) announced that the Senate would vote on a revised version of the bill sent over from the House, which combined the hospital fee and the tax eliminations into one bill. Goggans noted that the new bill provides solutions for the 9.5 million Georgians who are hurting as the state "faces one of the worst economic tsunamis we've ever experienced."

Majority Leader Chip Rogers (R-Woodstock) took the Senate Floor to share what he believes are the bill's three biggest accomplishments. First, he said that Georgia taxpayers will no longer have to subsidize the services of others. The bill will also prevent the state from having to close around 30 hospitals, and finally, that Georgia will completely eliminate two separate taxes. Sen. Hardie Davis (D-Gracewood) raised concerns that the bill conflicts with a previous measure to reform Georgia's property tax system. Rogers assured him that eliminating the ad valorem tax has no affect on property tax assessments, which his Senate Bill 346 seeks to reform.

Sen. Steve Henson (D-Tucker) questioned the lack of an official fiscal note accompanying the bill. Rogers responded that he in fact received a fiscal note from the Georgia State Fiscal Research Center, which the lieutenant governor deemed to be appropriate. Henson later addressed the full chamber regarding his concerns that the process by which the final bill arrived to the Senate for a vote had shut out Democrats from being involved. He noted that it is "an unfair and improper disservice to our constituents when bills are changed at the last minute and when [Democrats] were not included in the process as much as they should have been."

He went on to warn that lawmakers have no real knowledge of where the state will be financially down the road, and that passing a bill with tax cuts for political reasons could have tremendous implications on how the state will provide health care services to its citizens.

Sen. Vincent Fort (D-Atlanta) raised further questions as to political motivations behind the bill. He called passage of the bill an "exercise in hypocrisy," as in the past Republicans have done nothing to help Grady Hospital or to deliver health care to low income citizens, but are only now passing such a measure because it is politically convenient. "Even Ray Charles could see

through that,” said Fort.

Majority Leader Robert Brown (D-Macon) also delivered an impassioned speech saying that despite the bill’s supporters railing against health care reform in Washington, they want to pass this bill in order to draw down federal money from the health care reform bill by taking sick people in Georgia.

After debate concluded, the bill passed with a 39-12 vote and now goes to the governor for his approval.

Another bill stirred up further discussion over federal health care reform. HB 1179 requires Georgia hospitals to offer influenza vaccine annually to its health care workers who come in direct contact with patients. Sen. Johnny Grant (R-Milledgeville) said the public health measure will significantly reduce the spread of illnesses. Sen. John Douglas (R-Social Circle) questioned why they are trying to pass a bill that mandates hospitals to give a product away for free when they’re telling the federal government to stay out of health care. Douglas noted that the legislature needs to set an example, and that a conservative principle is at stake. The bill eventually passed by 38-10.

More than two years have passed since the brutal murder of hiker Meredith Emerson in the North Georgia Mountains. The horrendous crime gained national attention last month after Hustler Magazine requested to publish crime scene photos taken of Emerson’s corpse. The Senate unanimously passed the Meredith Emerson Memorial Privacy Act (HB 1322), which exempts crime scene photos and video recordings from open records requirements that depict a deceased person in a state of nudity, dismemberment, or decapitation. Sen. Bill Hamrick (R-Carrollton) noted that there is a sense of urgency to pass this bill as the current restraining order against Hustler Magazine will expire soon. The bill, which already received passage in the House, will now go to Governor Sonny Purdue before being signed into law.

The Senate also took up important voting issues. HB 665, sponsored by Sen. Don Balfour (R-Buford), requires the secretary of state to develop a pilot program for the electronic transmission of absentee ballots by military and overseas citizens. The pilot program will encrypt and authenticate information, verify the electors’ identity and eligibility to vote, and allow the elector to verify the ballot transmission was successful. In addition to HB 665, Sen. Jim Butterworth (R-Clarksville) presented HB 1073, an effort to allow eligible overseas voters to register to vote by a write-in absentee ballot provided by the Uniformed and Overseas Citizens Absentee Voting Act. In addition, eligible overseas voters may make an application for an official ballot by electronic transmission. This bill will help bring Georgia into compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act, making Georgia the 3rd state in Union to do so.

Sen. John Wiles (R-Kennesaw) sponsored a bill to make changes to the Georgia Environmental Facilities Authority (GEFA), which was met with a significant amount of debate. HB 244 would change the Georgia Environmental Facilities Authority to the Georgia Environmental Finance Authority. The bill also allows GEFA to transfer any funds that they deem to be in excess of those needed for corporate purposes to the state. Wiles noted that these excess funds could be used to help cover the severe budget shortfall that counties throughout the state are currently

facing. Sen. Emanuel Jones (D-Decatur) expressed concern that the legislation would allow Georgia to sell valuable assets at discounted prices. Furthermore, he believes that the bill is more beneficial for potential investors than for Georgians themselves. HB 244 received a 30–20 vote.

Senators then rallied in unanimous support of HB 1015, which is touted as an addendum to the Gang Act of 2006. While it seeks to fine tune and build upon the original gang act, Senators spoke to the significant impact the legislation has already had on communities across Georgia. Violent crime and murders dropped dramatically when the anti-gang measurement was introduced. Additions to the law create new offenses for those who recruit gang members or retaliate against witnesses. In addition, HB 1015 encourages the creation of the Georgia Criminal Street Gang Database.

The rest of the scheduled legislation was met with little, if any, opposition. Sen. Don Balfour (R-Snellville) carried the Hotel/Motel Tax Bill (HB 903), which authorizes the extension of the local motel and hotel tax on public accommodations to be used for the successor facility of the Georgia Dome. The Senate voted for this bill by a margin of 42–4.

Finally, the Senate took up HB 1258, which authorizes the State Financing and Investment Commission to comply with requirements of the American Recovery and Reinvestment Act of 2009 including mandating, requiring, or deeming the waiver of local allocation via resolution or by Commission policy. HB 1258 reached a vote and passed 47-1.

Hamrick also sponsored HB 1279, which eliminates the requirement that the Legislative Counsel Office publish softbound volumes and pamphlets of Georgia Laws. With a vote of 50–1, the bill was touted as a cost-cutting measure that will aid the state in the current budgetary crisis. HB 1101 makes changes to the Workers' Compensation Program and the Self-Insurers Guaranty Trust Fund passed with a 41-1 vote. Most significantly, the bill would require each active participant to purchase excess insurance for statutory limits with a self-insured retention specified by the board.

Despite political differences, the Senate came together that morning to honor one of its own, Sen. Don Thomas (R-Dalton), who is retiring from the legislature at the end of session. Thomas was given the honor of serving as the chamber's pastor of the day, and delivered an inspiring message of what we can learn from the Bible, and that it contains "an answer for every problem we ever have." Upon retiring from his 14-year career in the Senate, Thomas will continue working in his medical practice and spend time with his wife of 55 years, Emma Jean. Sen. Bill Hamrick (R-Carrollton) introduced Thomas, noting that "he will be succeeded in our chamber, but he can never be replaced."

Several bills were passed unanimously out of the Senate and will join the others on the Governor's desk in hope of being signed into law.

- Sen. Thomas carried which HB 1154 expands the definition of the “influenza vaccine” to include the nasal spray version.
- Sen. John Crosby (R-Tifton) carried HB 1150, which amends provisions relating to retirement and pensions under the Georgia Firefighters’ Pension Fund. The bill clarifies the definitions within the code section and makes some editorial corrections
- Sen. John Bulloch (R-Ochlocknee) presented HB 1090, which abolishes the Georgia Agrirama Development Authority and places all responsibilities for the Agrirama museum in the hands of the Board of Regents of the University System of Georgia.
- Sen. Ronnie Chance (R-Tyrone) sponsored HB 1138, which incorporates the 2009 changes to the federal IRS Code.
- Sen. Crosby carried HB 540, which will make minor definition changes to Georgia election law and seeks to clarify language.
- HB 1028 carried by Sen. Tolleson amends the Georgia Forest Land Protection Act of 2008. This bill is simply a clean-up measure to clarify existing law.
- Sen. Jack Murphy (R-Cumming) introduced HB 997, which moves social security coverage for state employees from the Employees’ Social Security Coverage Group to the State Personnel Board.
- The Safe Medications Practice Act (HB 361), carried by Sen. Buddy Carter (R-Pooler), received a unanimous vote and authorizes hospital pharmacists to collaborate with members of the medical staff on drug therapy management.
- The Senate voted in support of Senate Resolution 1299, sponsored by Sen. Bill Heath (R-Bremen), which updates federal motor vehicle standards that deal with fire safety and materials used in making automobiles.

Committee News

Regulated Industry

During a meeting of the Regulated Industries and Utilities Committee, committee members heard from passionate groups on both sides of HB 1196, sponsored by Rep. Terry England (R-Auburn). The bill seeks to prohibit the state legislature from mandating fire sprinkler systems in single family or duplex dwellings. England spoke about the cost prohibitive nature of mandating such expensive systems and noted that there is a 99.45% survival rate during fires in houses with active smoke detectors. England also noted that for every extra \$1,000 added to the price of a home, it prohibits over 200,000 buyers for qualifying for the property. He urged the committee to make sure the installation of these systems is at the discretion of the homeowner, not the rule of the state. Those opposing the bill included the Georgia Municipal Association and the Association of County Commissioners of Georgia. They spoke about how mandated fire protection systems become important tools that communities desperately need to keep the city safe and keep costs down.

Members from area fire departments also spoke in opposition to the bill, citing the protection the sprinkler systems create for their force. Sen. Doug Stoner (R-Smyrna) noted that his community was made of many high density, residential areas and due to the compact nature of these living areas, he felt that it was a good piece of legislation for his constituents. Lastly, contractors and

representative for the Home Builders Association spoke in favor of the bill, noting that mandating such a practice takes the practicality out of the systems. While one residence may need the system, another may not, but the bill would not allow for decisions on a case by case basis. Tony Clau, a homebuilder, urged the committee to pass the bill citing that the system was not yet broken but would become so if the law was not passed. The bill passed and was recommended on to the Rules Committee.

The committee also heard HB 1233, which will give the Georgia Public Service Commission the ability to charge utilities for the cost of expert testimony when initiating utility proceedings

Public Safety

The Senate Public Safety Committee heard a bill that saves taxpayer dollars and enables the purchase of new State Patrol vehicles. The state can save approximately \$700 per car by simply painting cars in one tone, as opposed to the traditional two-tone, blue and grey patrol cars piloted by Georgia's state patrol officers. The author of the bill, Rep. Jill Chambers (R-Atlanta), testified that these funds can be used to replace older vehicles with new and safer patrol cars. The second part of HB 981 prohibits the use of retread tires on state vehicles that are used to respond to public safety emergencies. HB 981 passed with overwhelming support.

A bill to improve efficiency in state government and the safety of state employees received unanimous support. HB 1074, by Rep. John Meadows (R-Calhoun), creates the Capitol Police Division within the Department of Public Safety (DPS). It modifies the boundaries of Capitol Square to include state buildings not previously patrolled by Capitol Police. HB 1074 also moves the law enforcement capacity of the Georgia Building Authority to the DPS, under the supervision of the Capitol Police Division. Meadows testified that there is no fiscal impact associated with this bill; it simply streamlines law enforcement at the Capitol. By ensuring all Capitol law enforcement officers are working together under the same supervision, the Public Safety Committee is making efficiency a top priority.

Other bills considered during the meeting were HB 979 by Rep. Roger Lane (R-Darien) and HB 1231 by Rep. Bobby Reese (R-Sugar Hill). HB 979, which passed unanimously, seeks to increase penalties for those convicted of aggravated assault on a law enforcement explorer, aligning them with the penalties set for aggravated assault on a law enforcement officer. An explorer is a current member of a law enforcement agency's explorer program, which gives young people the chance to explore a career in law enforcement or simply learn more about the job.

HB 1231, which met no opposition, defines how to execute a left and right turn while driving. Sen. John Douglas (R-Social Circle) offered an amendment that states any person driving in excess of 20 miles an hour over the posted speed limit while fleeing a pursuing police officer is guilty of a felony. The amendment also adds that a person who is driving under the influence while fleeing a police officer will be guilty of a felony. The amendment was accepted and the bill passed unanimously.

Health and Human Services

The Health and Human Services Committee unanimously passed the Physicians for Rural Areas Assistance Act (HB 866) to increase the amount of physicians in underserved rural areas. Under the legislation, presented by Rep. Stephen Allison (R-Blairsville), hospitals will receive a grant that will be used to encourage physicians to practice in these areas. Medical education loan repayment, salary supplements and funding for support staff are a few of the recruitment tools that can be purchased. Currently, only 9 percent of physicians service rural areas in the United States.

The topic of tattooing around the eye to replace lost hair lost due illness or medical treatment was also debated in the committee. Rep. Melvin Everson's (R-Snellville) bill (HB 180) would allow a technician, under the supervision of a physician, to perform tattoos around the eye. He said currently Georgia is one of the only states that do not provide the service and physicians must refer patients to other states. Sen. Nan Orrock (D-Atlanta) showed concern about allowing physicians to refer patients to tattoo artist in medical spas. The committee will work with Everson to reach an agreement for next weeks meeting.

The committee also unanimously passed two HBs. Rep. Donna Sheldon's (R-Dacula) bill (HB 1314) will allow disabled individuals with low incomes to open an individual development account. This account can be used for job training, home improvements or toward the purchase of technological devices aimed at improve the functions of a disabled individual. Rep. Jimmy Pruett (R-Eastman) presented a bill (HB 1040) allowing unlicensed caregivers to perform health maintenance activities such as changing feeding tubes. The Home Health Association and Trial lawyers association both showed support for the bill. The committee also unanimously passed a SR by Sen. Ronald Ramsey (D-Lithonia) which will create a vulnerable study committee.

Education and Youth

Rep. Fran Millar (R-Dunwoody) has worked for almost five years on a bill that will aid students in graduating and becoming successful, contributing members of Georgia's society and economy. The Building Resourceful Individuals to Develop Georgia's Economy Act, which passed unanimously out of the Senate Education Committee, will be enacted as part of the Quality Basic Education Act. It will mandate the Department of Education to develop focused study programs in high demand, high skill, and high wage fields. This program offers flexibility to students to pursue a focused study at their school, a technical school, a college or university or under an apprenticeship cooperative education program.

Millar testified that HB 400 allows each student to have an "individualized graduation plan," rather than a one-size-fits-all approach. He mentioned that this legislation is supported by U.S. Sen. Johnny Isakson (R-GA). It particularly targets those schools that are chronically low-performing, giving them preference in competitive grant programs to fund the focused study programs. Students who pass an employer or industry certification examination or state license examination will be exempt from the high school graduation test and the end-of-course assessments. These students will, however, have to pass the reading, writing and mathematics portion for graduation.

Another bill heard will allow the Georgia Youth Conservation Corps, a non-profit organization that expands access to the environment for youth in urban communities, to assist with home weatherization projects. These projects seek to reduce energy consumption for home heating and cooling. Rep. Tyrone Brooks (D-Atlanta), author of HB 493, testified that this bill has no fiscal impact. It passed with overwhelming support in the House and passed unanimously out of the committee.

A bill that continues the trend of granting school systems and their employees more flexibility during these hard economic times also passed unanimously. Rep. Tom Dickson (R-Cohutta) crafted HB 1307 that suspends the professional learning requirements for certificate renewal. The bill also eliminates a computer course that was previously required for educators. Dickson testified that the bill has no impact on professional development.

In an effort to streamline government and improve efficiency, Rep. Howard Maxwell (R-Dallas) authored a measure dealing with background checks for educators in Georgia school systems. The Professional Standards Council worked with Maxwell to ensure educators and other school personnel have background checks when they first enter the system, earning a Clearance Certificate. However, in the event that a teacher moves to another system, they will not have to complete another background check, eliminating burdening checkpoints. HB 1103 passed the committee with unanimous support.

Finance

Sen. Greg Goggans (R-Douglas) presented four House bills that he will carry on the Senate Floor, with the most significant being the Fee Bill (HB 1055). Goggans presented HB 1055 as a simple and straightforward bill that deals with outdated and antiquated state fees in order to *decrease* the burden on Georgia taxpayers. When a fee does not cover the cost of the service provided, taxpayers subsidize the user's business, service or license by paying the remaining cost. "By addressing this issue now, users instead of taxpayers will pay the bulk of the cost of services provided," said Goggans.

Goggans went through the bill section by section, pointing to areas that are in desperate need of updating. HB 1055 does not include common user fees such as drivers and hunting licenses and is necessary to balance our significant budget deficit. However, the bill does cover updating such fees as corporation licensing, public airport licensing and specific forestry and agricultural licensing fees. One fee specifically addresses individuals appealing driving while under the influence (DUI) license suspensions. These are all examples of licenses that are not utilized by all taxpayers.

The last time the State of Georgia updated the "Forest Protection Fee" was in 1967, when Lyndon Johnson was president. Set at \$0.04 an acre, this fee currently covers only 3% of the cost of this service. The bill updates this fee to \$0.10 to cover a greater percentage of the costs associated with this service. For 31 years, Georgia's public airports have paid a \$10 licensing fee. This fee applies to airports such as Peachtree-Dekalb and Daniel Field in Augusta, which often cater to private pilots and passengers. The state currently retains only \$960 biennially from this service. The overhead costs to license the airports are significantly higher and therefore

legislators suggest raising this fee to \$100 per runway. Georgia's annual corporation fee is the lowest in the Southeast. Goggans stated that by simply aligning with the Southeast's average of \$50, Georgia will remain competitive with surrounding states and will account for the inflation over the past seven years since it was last updated. The state will also impose a \$150 fee for individuals appealing DUI license suspensions instead of the state covering the cost of such a proceeding as is currently the practice. Goggans suggested that this will save taxpayers approximately \$3 million per year.

HB 1055 passed unanimously as amended by Sen. Bill Heath (R-Bremen). Heath suggested adjusting the eight-year noncommercial drivers' licenses fees to \$32 from \$35 just to remain competitive and fair in that area.

Goggans also brought HB 1284 before the committee. This legislation, as passed unanimously by the Senate Finance Committee, adds a definition applying to the Office of Planning and Budget (OPB). The term "fee" is added and means voluntary and mandatory payments including business license fees, application costs, fines, penalties, surcharges, add-ons, or assessments. This bill also requires the budget act to include a report of all fees collected and administered and to include detailed fee information such as:

- The statute authorizing and applicable termination of the user fee;
- The services provided in exchange of the user fee;
- The current rate and date of the user fee; and
- The total amount collected in the previous two fiscal years;

The report must also contain justification for any new fees, changes to fees or termination of existing fees; each new or adjusted fee must show:

- The relationship of the revenue raised and the cost in the service;
- Inflationary pressures;
- Effect on budget if fees are not increased;
- Comparable fees; and
- Policies affecting fee viability.

An audit revealed that 347 user fees within four state agencies have not been updated for many years. For example, the audit found that there were 20 fees that have not been updated for 20 years and six fees that have not been updated for 50 years. "This is another step in providing better government so citizens can see how and why fees are being charged," said Goggans.

The Senate Finance Committee approved legislation to allow Clayton County voters to resurrect funding for a vital public transportation system. HB 1393 raises the sales tax cap and will allow Clayton voters to decide on an additional 1 percent sales tax to fund public transportation. The bill also extends the exemption from motor fuel taxes for public transit systems for another two years. Sen Emanuel Jones (D-Decatur) noted that the C-TRAN public bus service ended on March 31 after county commissioners decided to shutter the system, leaving hundreds of riders stranded.

Rep. Terry England (R-Auburn) then presented a bill that changes the definition of sales prices to exempt ad valorem taxes paid on rental equipment. A late arriving amendment from Rep. Ron Stephens (R-Savannah) was tacked on to HB 347, which would have allowed counties to invest up to a penny sales tax to finance economic development projects. The committee raised concerns that such a significant change was being sprung on members, and voted unanimously to pass the original bill without the amendment.

A bill to require outside residents who make money in Georgia to pay Georgia income taxes was met with serious debate from committee members. Sen. John Wiles (R-Marietta) asked if a major league baseball player were to play one game in Georgia, if he would be required to file a Georgia income tax return. Author Rep. Culver Kidd (R-Milledgeville) said that most ball players have provisions in their contracts that would prevent them having to do so, but did use the example of Tiger Woods winning the Masters in Augusta, saying under this bill he would be required to pay income tax on those winnings. Sen. Tommie Williams (R-Lyons) questioned whether this would discourage sporting and other types of events from coming to Georgia. Members unanimously voted to table the bill to allow for further study of the measure.

Sen. Don Balfour (R-Snellville) presented a bill to streamline sales taxes, bringing Georgia in line with 23 other states who participate in the Streamlined Sales Tax Agreement. Balfour was quick to note that HB 1221 does not create any new taxes, but rather is a voluntary program and the first significant step to creating a level playing field for companies in Georgia and outside the state. Wiles presented an amendment that extends an exemption from sales taxes to companies that purchase items for the U.S. government. The exemption is already in Georgia code, and his amendment simply extends it until 2013. Balfour raised concerns that passing the amendment could hurt the bill, but Sen. Chip Rogers (R-Woodstock) spoke in favor of the amendment and how it will benefit Lockheed Martin, a Marietta-based global security and information technology company whose majority of business is with the U.S. Department of Defense and U.S. federal government agencies, which Rogers noted has been a valuable corporate partner. The committee voted unanimously to pass the bill with the amendment.

Insurance and Labor

A bill that would allow Georgia residents to purchase approved health insurance plans from other states headlined seven measures that passed the Senate Insurance and Labor Committee. This will likely be the final time the committee will meet for the 2010 session, said chairman Sen. Ralph Hudgens (R-Hull).

HB 1184, authored by Rep. Matt Ramsey (R-Peachtree City), would give the Georgia state insurance commissioner authority to identify other states with health insurance laws and regulations substantially consistent with Georgia law. The state could then approve individual health insurance policies for sale in Georgia that have been approved in those states and as long as the insurer is an authorized insurer in Georgia.

Critics of the bill cited concerns over possible uncovered mandates and cost increases for older men and women who currently have health insurance. This led to a motion to table the bill, which was ultimately defeated 7 to 4. The bill was able to clear the committee by substitute with a final 9 to 2 vote.

HB 1364, creating significant changes to the state Insurers Insolvency Pool, was passed out of committee after making several alterations to the original bill heard at an earlier meeting. Rep. Carl Rogers (R-Gainesville) authored HB 1364, which would allow worker's comp benefits that have ended as result of an insurer becoming insolvent to be covered by the state insolvency pool. The committee increased the buy-in amount for companies to help ease concerns over any unfairness the measure may present to companies that bought into the pool originally.

HB 1268, authored by Rep. Tom Knox (R-Cumming), also passed the committee and provides extended group policy coverage under Stimulus Act guidelines.

Natural Resources

The Natural Resources and Environment Committee met to hear several pieces of legislation that would potentially have long term effects across the state. House members presented their sponsored bills to Chairman Ross Tolleson (R-Perry), with each one receiving unanimous support.

HB 1199 authorizes the Department of Natural Resources (DNR) to accept services in the areas of historic preservation, wildlife management, recreation and public education on conservation. Furthermore, the bill would allow the DNR to participate with public and private groups, organizations and businesses in joint advertising and promotional projects that promote these areas. Rep. Bob Smith (R-Watkinsville), who sponsored the bill in the House, noted that other state agencies, including the Department of Economic Development, already have similar provisions in place.

The committee also heard HB 1206, which requires a person to obtain a water well contractor's license from the State Water Well Standards Advisory Council before drilling a well. However, a person drilling a well (or geothermal borehole) is not required to act under the direction of a professional geologist or professional engineer. Next, the committee heard HB 207, which expands the current law definition of an "off-road vehicle" to include government vehicles used for official and agricultural purposes. This legislation provides for an additional restriction by prohibiting the operation of off-road vehicles within any navigable or nonnavigable stream, except when directly crossing the stream.

The committee heard the wildlife protection bill HB 1000, which seeks to protect Georgia's turtle population and accounts for eight percent of the world's turtle population. The bill passed and was sent to the Rules Committee for consideration.

Lastly, the committee heard HB 1298, which revises and updates certain terms relating to hazardous waste management to make the terms consistent with federal regulations in effect in 2011. This legislation passed unanimously with the committee substitute and will move forward to the Rules Committee.

Judiciary

The Senate Judiciary Committee discussed making Georgia the 43rd state in the nation to replace its existing evidence code with the Federal Rules of Evidence. Rules of evidence ensure

administrative fairness and efficiency in the pursuit of justice in the courtroom. House Judiciary Chairman Rep. Wendell Willard (R-Sandy Springs) presented HB 24 for a hearing, which will be taken up for a vote at the committee's next meeting on Monday, April 19. The bill seeks to update what some consider antiquated and outdated rules of evidence that are sometimes too restrictive. Willard explained that the bill would help attract business by making Georgia's evidence laws congruent with those of other states. He also noted that the House committee has held extensive hearings on the bill, working to bring all stakeholders on board with the changes. Sen. John Wiles (R-Marietta) raised concerns that the bill does more than change evidence rules and that the committee does not have enough time to research a bill that makes such extensive changes. After representatives of various interest groups expressed their support for the bill, including the Georgia Trial Lawyers Association, one prosecutor argued that adopting federal rules could jeopardize states' rights and could cost a significant amount to implement.

In addition to taking a vote on HB 24, the committee will also revisit what has been dubbed the "omnibus sex offenders bill," combining three separate measures related to sex offenders. First, HB 571 allows Level 1 sex offenders to petition a sentencing court to be removed from the Sexual Offender Registry. There are three levels of sex offenders, and only those who are not considered a threat to public safety would be allowed to petition. Second, it clarifies that consent cannot be used as a defense in student-teacher sex assault cases. Finally, it clarifies the definition of incest to include gender neutrality. While the bill received support from those who testified, it was held for a vote to allow for revisions to be made.

After lengthy debate, a vote was also held off on HB 889 that according to author Rep. Len Walker (R-Loganville), addresses a serious matter of public safety by ensuring dangerous felons are not released on bail and allowed to enter pretrial release. Supporters of the measure say there is a large problem in Fulton County where criminals are released on their own recognizance with no oversight or guarantee they will appear in court. There were concerns from committee members that the bill does not achieve its intended result, and will come back to the committee for further discussion.

Members did vote to pass an extension of the time period the Supreme Court has to review death penalty cases. After concerns were raised by the Georgia Association of Criminal Defense Lawyers that HB 323 makes substantial changes to Georgia's death penalty statute, the bill was again brought up for reconsideration, which ultimately failed.

Economic Development

Property owners could get assistance from their local governing authority to enhance water and energy efficiencies in their home under HB 1388, authored by Rep. Tim Bearden (R-Villa Rica). The Senate Economic Development Committee passed the bill unanimously, which allows property owners to get a loan from the local governing authority to update water and energy appliances that are more efficient. Rep. Bearden pointed out that no state money is involved in the loans, and the bill does not place mandates on local governments or property owners. Rather, it will be left to the discretion of the local governing authority as to how they advertise the loans to property owners and how they are financed. He also noted that jobs are expected to be generated in plumbing, HVAC and electrical markets from those installing efficient appliances in homes.

The committee then turned its attention to the Georgia Tourism Development Act (HB 1251), which is geared toward incentivizing development of large tourism developments and attractions throughout the state. The bill allows tourism projects over \$100 million to receive a refund in incremental sales taxes over a ten year period. In order to be eligible for the refund, projects first have to be approved by the Georgia Department of Economic Development.

A substitute bill was also brought forth by author Rep. Cecily Hill (R-Kingsland), which includes a much narrower geographic provision aimed at development in Camden County. She explained that the county and surrounding areas are losing revenue and jobs to Florida, which shares Camden's border. The substitute version also allows municipalities to levy a tourism attraction tax and includes a ballot initiative that would let voters decide to levy an additional tourism project tax. Chairman Chip Pearson (R-Dawsonville) raised concerns that passing the substitute out of committee could send the wrong message, but joined committee members in discussing ways to amend the bill on the Senate Floor to include the substitute language and reach a compromise. The original version of HB 1251 passed unanimously.